

Steering Committee on Arizona Case Processing Standards

February 1, 2017

1:30 p.m. to 3:30 p.m.

State Courts Building

1501 W. Washington, Phoenix, AZ 85007

Conference Room 345A/B

APPROVED 10/18/2017

Present: Justice Robert Brutinel; Judge Eric Jeffery; Judge Steven McMurry; and Mr. John W. Rogers

Telephonic: Mr. Kent Batty; Judge Kimberly Corsaro; Judge Jill Davis; Judge Charles Gurtler; Mr. Don Jacobson; Judge Andrew Klein; Ms. Michelle Matiski; Ms. Donna McQuality; Judge Mark Moran; Ms. Jane Nicoletti-Jones; Judge Tony Riojas; and Mr. Bill Verdini

Absent/Excused: Judge Richard Fields; Judge Pamela Frasher-Gates; Judge John Rea; and Judge Sally Simmons

Presenters/Guests: Mr. Jeff Schrade, AOC

Administrative Office of the Courts: Ms. Cathy Clarich, AOC; Ms. Lynn Golden; Ms. Marretta Mathes

I. Regular Business

A. Call to Order, Welcome, and Opening Remarks

The February 1, 2017, Meeting of the Steering Committee on Arizona Case Processing Standards was called to order by the Chair, Honorable Robert Brutinel, at 1:32 p.m. The Chair asked for member roll call and introductions of staff and guests.

B. Approval of the October 2016 Minutes

The draft minutes from the October 2016 meeting of the Steering Committee on Arizona Case Processing Standards were presented for approval. The Chair called for any omissions or corrections to the minutes from October 2016. There were none.

A motion was made by Mr. John Rogers and seconded by Judge Eric Jeffery to approve the draft meeting minutes. The motion passed unanimously.

II. Updates

- A. Committee Term Extension** – Justice Brutinel stated that the Chief Justice signed Administrative Order 2016-149, which extends the term of the Steering Committee to December 31, 2017. The Chair expressed his gratitude to the committee members for their continued service.
- B. Limited Jurisdiction Appeals Workgroup** (taken out of order) – Ms. Marretta Mathes shared information on the Limited Jurisdiction Appeals Workgroup, whose membership will include Ms. Mary Blanco, Mr. Don Jacobson, Judge Eric Jeffery, Judge Steven McMurry, Judge Michael Moran, and Judge Patricia Starr. Judge McMurry will chair the workgroup. Ms. Mathes will coordinate with the members for the first meeting.
- C. AZTEC Time Standards Reports** – Ms. Mathes shared the report statuses for limited jurisdiction courts currently utilizing the AZTEC case management system:

Reports have been developed/fixed and deployed for the following case types:

1. Civil Traffic
2. Justice Court Civil
3. Criminal Misdemeanor
4. Eviction Actions
5. Civil Local Ordinance
6. Small Claims

This includes both the Age of Activating Pending and the Time to Disposition reports. Protective Order reports (ex-parte, contested hearing, and pre-issuance) are in progress. Once the Protective Order reports are ready, this will complete the development of the time standards reports for AZTEC courts.

- D. LJ AJACS Time Standards Reports** – Ms. Mathes shared the report statuses for limited jurisdiction courts currently utilizing the LJ AJACS case management system:

The DUI and Civil Traffic Age of Active Pending and Time to Disposition reports were deployed on November 4, 2016. Business requirements have been reviewed and delivered for the following case types (Age of Active Pending and Time to Disposition):

1. Justice Court Civil
2. Criminal Misdemeanor
3. Eviction Actions
4. Civil Local Ordinance
5. Small Claims

The Civil Local Ordinance and Criminal Misdemeanor reports have been developed and tested, and will be deployed in March. The Small Claims report is in development and may be ready in time for the March release. Protective Order reports (ex-parte, contested hearing, and pre-issuance) are in progress. Once the Protective Order reports are ready, this will complete the development of the time standards reports for LJ AJACS courts.

As LJ AJACS rolls out, courts have expressed some concern about how they will report on an annual basis if they converted from AZTEC to LJ AJACS mid-year. The direction will be to run the AZTEC reports for the portion of the fiscal year they were on AZTEC, and run the LJ AJACS reports for the portion of the fiscal year they were on LJ AJACS. This should capture data for the entire fiscal year with no overlap. These courts will submit two reports for each case type, which will equate to one fiscal year.

E. GJ AJACS Time Standards Reports

IT has made some revisions to the following reports:

1. Probate Administration of Estates
2. Probate Guardianship
3. Probate Mental Health
4. Post-Conviction Relief
5. Family Law Temporary Orders

IT deployed the revised reports to courts on January 18, 2017. A statewide memo was sent out on January 31st regarding these updated reports, as well as a document that details the events that must be used in order to accurately capture data. Protective Order reports (ex-parte, contested hearing, and pre-issuance) are in progress.

F. Education/Training Development (taken out of order) – Mr. Jeff Schrade, AOC, presented an overview of training curriculum for judges in case types in which courts are struggling to meet the time standards. Education Services has been meeting with Court Services - Caseload Management to discuss the training and hopes to utilize the upcoming Judicial Conference in June as a programming platform. Mr. Don Jacobson, Mr. Kent Batty, Judge Jeffery, and Justice Brutinel offered comments and input.

III. Phase 1 Overview of Data Received

Ms. Mathes gave an overview of the annual DUI data received for FY16:

Misdemeanor DUI

85% within 120 days – AZ Standard
64% within 120 days – FY15 Q4
61% within 120 days – FY16

93% within 180 days – AZ Standard
81% within 180 days – FY15 Q4
80% within 180 days – FY16

(157 courts reporting for FY16 – Tucson Municipal and Pima County Justice Courts not reporting)

IV. Phase 2 Overview of Data Received

Ms. Mathes gave an overview of the annual Civil Traffic data received for FY16:

Civil Traffic

80% within 60 days – AZ Standard
77% within 60 days – FY16 Q2
79% within 60 days – FY16

98% within 90 days – AZ Standard
91% within 90 days – FY16 Q2
89% within 90 days – FY16

(157 courts reporting for FY16 – Tucson Municipal and Pima County Justice Courts not reporting)

The Chair, Justice Brutinel, questioned some of the totals for Gila County. Ms. Mathes committed to following up to verify the accuracy of the data.

V. Phase 3 Overview of Data Received

Ms. Mathes gave an overview of the quarterly data received for FY16 Q4:

1. Probate Administration of Estates

50% within 360 days – AZ Standard
57% within 360 days – 2014
63% within 360 days – FY16 Q4

75% within 540 days – AZ Standard
66% within 540 days – 2014
73% within 540 days – FY16 Q4

98% within 720 days – AZ Standard
73% within 720 days – 2014
78% within 720 days – FY16 Q4

For the 360 day standard (FY16 Q4), 15 courts met the standard.

For the 540 day standard (FY16 Q4), 12 courts met the standard, 2 courts were within 10% of the standard, and 1 court was not within 10% of the standard.

For the 720 day standard (FY16 Q4), eight courts met the standard, four courts were within 10% of the standard, and three courts were not within 10% of the standard.

(15 courts reporting for FY16 Q4)

2. Probate Guardianship/Conservatorship

80% within 90 days – AZ Standard
80% within 90 days – 2014
82% within 90 days – FY16 Q4

98% within 365 days – AZ Standard
97% within 365 days – 2014
97% within 365 days – FY16 Q4

For the 90 day standard (FY16 Q4), nine courts met the standard, four courts were within 10% of the standard, and two courts were within 10% of the standard.

For the 365 day standard (FY16 Q4), 12 courts met the standard, 1 court was within 10% of the standard, and 2 courts were not within 10% of the standard.

(15 courts reporting for FY16 Q4)

3. Probate Mental Health

98% within 15 days – AZ Standard
90% within 15 days – 2014
95% within 15 days – FY16 Q4

For FY16 Q4, seven courts met the standard, one court was within 10% of the standard, and four courts were not within 10% of the standard.

(15 courts reporting for FY16 Q4, 3 courts had no cases in this category)

4. Justice Court Civil

75% within 180 days – AZ Standard
60% within 180 days – 2014
59% within 180 days – FY16 Q4

90% within 270 days – AZ Standard
78% within 270 days – 2014
78% within 270 days – FY16 Q4

98% within 365 days – AZ Standard
86% within 365 days – 2014
88% within 365 days – FY16 Q4

(78 courts reporting for FY16 Q4 – Pima County Justice Courts not reporting)

5. Misdemeanor (Non-DUI)

75% within 60 days – AZ Standard
57% within 60 days – FY15
60% within 60 days – FY16 Q4

90% within 90 days – AZ Standard
70% within 90 days – FY15
74% within 90 days – FY16 Q4

98% within 180 days – AZ Standard
86% within 180 days – FY15
89% within 180 days – FY16 Q4

(153 courts reporting for FY16 Q4 – Pima County Courts not reporting)

Mr. Kent Batty inquired about Pima County's data missing. Ms. Mathes stated that Pima County Consolidated Justice Court reported that its reports were not ready, and other Pima County courts are on LJ AJACS, so their reports were not ready either.

Judge Jeffery stated a re-examination of this standard might be necessary, given the data presented. Judge McMurry provided insight on situations he has addressed involving specific charges that might lead to an inability to meet the standard.

The Chair inquired as to whether a breakdown of the number of cases by charge type was possible. Ms. Mathes will look into this.

Judge Tony Riojas stated that under the guidelines of the Fair Justice Taskforce, the Driving on a Suspended License charge will be decriminalized, which will skew the numbers again.

VI. Phase 4 Overview of Data Received

Ms. Mathes gave an overview of the quarterly data received for FY17 Q1. Ms. Mathes expressed concerns regarding the integrity of the data received for the Criminal Post-Conviction Relief case type, as only 8 of 15 court reported having any cases for FY17 Q1. Committee members expressed similar concerns. Ms. Mathes indicated that courts' data entry practices may be a contributing factor.

Ms. Mathes also reported that the report was adjusted to measure from the filing date of the petition instead of the filing date of the notice. Judge Moran agreed that the report should be measuring from the filing date of the petition and not the filing date of the notice.

1. Criminal Post-Conviction Relief

94% within 180 days – AZ Standard

50% within 180 days – FY15

54% within 180 days – FY17 Q1

For FY17 Q1, one court met the standard, zero courts were within 10% of the standard, and seven courts were not within 10% of the standard.

(15 courts reporting for FY17 Q1, seven courts had no cases in this category)

2. Family Law Pre-Decree Temporary Orders

Ms. Mathes reported that while the data in this category looks very good, the numbers reported from Maricopa County include both pre-decree and post-decree temporary orders instead of only pre-decree temporary orders. If Maricopa County's numbers were removed from the statewide numbers, the numbers would drop to 70% within 60 days and 84% within 120 days. The Chair inquired as to why Maricopa County could not report data that differentiates between pre-decree and post-decree temporary orders. Ms. Mathes indicated that Maricopa County was not specific as to why the numbers could not be differentiated, but that she would follow up with Maricopa County.

Judge Moran indicated that the number for Coconino did not look correct. Ms. Mathes agreed that this may also be a case type in which courts' data entry practices are negatively impacting the accuracy of the data received.

90% within 60 days – AZ Standard

80% within 60 days – FY15
93% within 60 days – FY17 Q1

98% within 120 days – AZ Standard
90% within 120 days – FY15
96% within 120 days – FY17 Q1

For the 60 day standard (FY17 Q1), 1 court met the standard, 2 courts were within 10% of the standard, and 11 courts were not within 10% of the standard.

For the 120 day standard (FY17 Q1), four courts met the standard, one court was within 10% of the standard, and nine courts were not within 10% of the standard.

(15 courts reporting for FY17 Q1, one court had no cases in this category)

3. Eviction Actions

98% within 10 days – AZ Standard
96% within 10 days – FY15
95% within 10 days – FY17 Q1

(75 courts reporting for FY17 Q1 – Pima County Justice Courts not reporting)

It was stated that Apache County's numbers did not look correct. Ms. Mathes indicated that the numbers are based on AZTEC data, but that she would follow up.

4. Civil Local Ordinance

75% within 60 days – AZ Standard
81% within 60 days – FY15
62% within 60 days – FY17 Q1

90% within 90 days – AZ Standard
92% within 90 days – FY15
74% within 90 days – FY17 Q1

98% within 180 days – AZ Standard
98% within 180 days – FY15
99% within 180 days – FY17 Q1

(123 courts reporting for FY17 Q1 – Pima County Courts not reporting)

Judge Jeffery expressed concern in the measuring points for this case type, indicating that the time gap of the second tier may be too close to the first tier.

5. **Eviction Change of Judge Experimental Rule 9(c), ARPEA** – Judge Steven McMurry has been tracking the impact of the new experimental Change of Judge Rule (Rule 9(c)) for eviction actions, and will be providing an update regarding how this has affected eviction actions in Maricopa County. Judge McMurry indicated that although the rule is only one month old, he has not seen any Notices for Change of Judge.

VII. Phase 5 Overview of Data Received

Ms. Mathes gave an overview of the quarterly Small Claims data received for FY17 Q1:

Small Claims

75% within 100 days – AZ Standard
39% within 100 days – FY15
41% within 100 days – FY17 Q1

90% within 150 days – AZ Standard
57% within 150 days – FY15
71% within 150 days – FY17 Q1

98% within 180 days – AZ Standard
64% within 180 days – FY15
78% within 180 days – FY17 Q1

(77 courts reporting for FY17 Q1– Pima County Justice Courts not reporting)

VIII. Small Claims Committee

Chief Justice Bales signed Administrative Order 2016-115 on November 2, 2016. This AO formed a committee, made up of seven members and chaired by Judge Steven McMurry, which will develop recommendations, including proposed rule amendments or pilot projects, to reduce the time required to resolve small claims cases in Arizona Justice of the Peace courts. The committee has had two meeting this far, and will meet again on February 6 and March 13, 2017.

Judge McMurry provided an update and overview of the work of this committee.

VIII. New Business

A. Next Meeting Dates and Other Items

The Chair shared the following proposed dates for the Committee's next meeting in 2017:

- October 18, 2017, 1:30pm – 3:30pm
- October 25, 2017, 1:30pm – 3:30pm

Ms. Mathes will gather information from the members regarding any conflicts or meeting preference dates and send out information on the next Committee meeting date as soon as possible.

Judge McMurry requested that the meeting materials be provided approximately two weeks in advance of the next meeting. Ms. Mathes indicated that this would not be an issue.

B. The Chair introduced Catherine Clarich, the new Caseflow Management Unit Manager in Court Services.

IX. Call To Public

The Chair made a call to the public. Judge Gurtler inquired as to whether there is a mechanism to bring up things as the group reviews the data and cases. For example, excluding time for removal to federal court in a civil case. Judge Moran confirmed this observation and Judge Gurtler gave more insight. The Chair agreed and indicated that when these things come up, Ms. Mathes can be contacted and she will add the item to the agenda. The Chair inquired as to whether we could find out how many civil cases are removed to federal court. Ms. Mathes indicated that she would see if she could obtain the information and committed to following up.

X. Adjournment

The Chair adjourned the meeting at 3:08 p.m.

Next Committee Meeting Date:

October 18, 2017

1:30 p.m. – 3:30 p.m.

State Courts Building Conference Room 345 A/B
1501 W. Washington, Phoenix, AZ 85007